

Exhibit 43

December 18, 2019

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Civil Action No. 2:16-cv-06576-KM-MAH

INDUSTRIA DE ALIMENTOS ZENU S.A.S.,

Plaintiff,

vs.

LATINFOOD U.S. CORP. d/b/a ZENU

PRODUCTS CO. and WILSON ZULUAGA,

Defendants.

VIDEOTAPED DEPOSITION OF WILSON ZULUAGA

Wednesday, December 18, 2019

10:00 a.m.

Reported by:

Joan Ferrara, RMR, FCRR

Job No. 294203

1 W. Zuluaga

2 corporate representative for LatinFood.

3 Are you aware of that?

4 A. Yes.

5 Q. Okay.

6 And looking at Exhibit 8, which
7 is the 30(b)(6) Notice, which is served on
8 the corporation, there is a list of issues
9 that we've requested we get a witness who
10 can testify about. Those start on, I
11 believe, the sixth page of the document.

12 Have you ever reviewed that list
13 of topics before?

14 A. Topics for examination?

15 Q. Yes.

16 A. Yes.

17 Q. Okay.

18 And are you -- to your knowledge,
19 are you the person who is best qualified to
20 testify about those subjects on behalf of
21 Defendant LatinFood?

22 A. Yes.

23 Q. And are you able today to testify
24 about each of those listed topics?

25 A. Yes, I believe so.

1 W. Zuluaga

2 Q. And again, just for convenience,
3 the Defendant's full name in the caption is
4 LatinFood U.S. Corp., doing business as
5 Zenu Products Co. I'm going to refer to
6 that entity today just as "LatinFood."

7 Is that acceptable?

8 A. Yes.

9 Q. Mr. Zuluaga, where were you born?

10 A. Medellin, Colombia.

11 Q. What year were you born?

12 A. 1968.

13 Q. And did you live -- do you live
14 in Colombia now?

15 A. I do not.

16 Q. Did you live in Colombia at some
17 point after your birth?

18 A. Yes.

19 Q. And for approximately how long
20 did you live in Colombia?

21 A. I lived in Colombia until my, I
22 believe, mid to late teens.

23 Q. And at that point, did you leave
24 Colombia permanently?

25 A. Yes.

1 W. Zuluaga

2 Q. Do you recall what year that was
3 that you left?

4 A. I'm sorry?

5 Q. Do you know what year you left
6 Colombia?

7 A. That was mid '80s, the best that
8 I can remember.

9 Q. Is there a reason that you left
10 Colombia at that time in your life?

11 A. Yes.

12 Q. What was that?

13 A. My father, who was the only
14 breadwinner at the time, had been victim of
15 an assault, he was incapacitated for a
16 couple of years. So being the oldest in
17 the family, it was upon me to support the
18 family and continue on. So I came here
19 looking for a way to do that.

20 Q. And where did you go when you
21 first left Colombia?

22 A. United States.

23 Q. And have you lived in the United
24 States continually since then?

25 A. Yes.

1 W. Zuluaga

2 A. And related subjects.

3 Q. I'm sorry, in mechanical
4 engineering, that was your degree?

5 A. Management and related subjects.

6 Q. And did you obtain any other
7 degrees from any other institutions?

8 A. No formal degrees, no.

9 Q. Now, turning back to your years
10 in Colombia, did you -- you said you were
11 born in Medellin. Did you stay there for
12 your entire time in Colombia?

13 A. Living in Medellin, yes.

14 Q. And you mentioned your father.
15 Who else did you live with other than your
16 father when you were in Colombia?

17 A. That would be my mother and my
18 brother and my sister.

19 Q. And what is your mother's name?

20 A. Gloria Balacio.

21 Q. And what is your brother's name?

22 A. Hoover, H-O-O-V-E-R, and we share
23 the same last name, Zuluaga.

24 Q. And what is your sister's name?

25 A. Gloria Parra, P-A-R-R-A.

1 W. Zuluaga

2 Q. And just lastly, your father's
3 name?

4 A. Victor Zuluaga.

5 Q. And are those four family members
6 still alive?

7 A. Yes.

8 Q. And do any of them continue to
9 reside in Colombia?

10 A. Yes.

11 Q. Do all of them continue to reside
12 in Colombia?

13 A. No.

14 Q. Who does not live in Colombia of
15 that group?

16 A. My brother lives in the United
17 States, and my sister lives in the United
18 States currently.

19 Q. But both your mother and father
20 continue to live in Colombia?

21 A. Today, yes.

22 Q. Did either of them ever live
23 outside of Colombia?

24 A. Yes.

25 Q. Who was that?

1 W. Zuluaga

2 A. Both of them.

3 Q. Okay.

4 And when -- what period of time
5 were they not in Colombia, did they not
6 live in Colombia?

7 A. I don't remember the years.
8 Early '90s, the best of my recollection.

9 Q. Where did they live in the early
10 '90s outside of Colombia?

11 A. New York.

12 Q. And how many years were they
13 living in New York?

14 A. Best that I can recall, my father
15 lived here initially, I believe, two years,
16 and later on he came back and lived here
17 another two years, but I may be off. It
18 was a number of years ago.

19 Q. And how about your mother?

20 A. She lived here 20 years perhaps.
21 A long time.

22 Q. When did she move back to
23 Colombia?

24 A. I don't recall.

25 Q. Was it in the last decade?

1 W. Zuluaga

2 A. I believe it was probably more
3 than the last decade.

4 Q. And when your mother was living
5 in the United States, did you and she work
6 together at all?

7 A. No.

8 Q. Did your father ever work with
9 you while he was here?

10 A. No.

11 Q. Now, you were in Colombia until
12 11th grade, is that correct, or
13 approximately then?

14 A. Yes, about.

15 Q. Okay.

16 And did your family have a
17 television set in those years that you were
18 there?

19 A. Just the last few years.

20 Q. And were there supermarkets in
21 the area where you lived?

22 A. Not big supermarkets, no.

23 Q. There were food stores?

24 A. Yes.

25 Q. Did you ever do the shopping for

1 W. Zuluaga

2 the family while you were there?

3 A. No.

4 Q. Did you ever do shopping for the
5 family?

6 A. No.

7 Q. Did your mother do that?

8 A. Best of my knowledge.

9 Q. The products that your company
10 makes, that LatinFood makes now, just
11 generally what are those products?

12 A. We don't make anything actually
13 right now.

14 Q. The products that you sell.

15 A. Okay. Generally speaking, we
16 sell food perishable and non-perishable
17 food items.

18 Q. What type of food items do you
19 sell?

20 A. We have snacks. We have
21 groceries. We have brown sugar. We have
22 beverages. We have processed meats. I may
23 be missing a few.

24 Q. Were those all products you
25 consumed when you lived in Colombia?

1 W. Zuluaga

2 A. No.

3 Q. So you didn't consume any of
4 those types of products when you lived in
5 Colombia?

6 A. I don't remember any of those,
7 no.

8 Q. So snacks, groceries, processed
9 meats, you don't recall whether you
10 consumed any of them?

11 A. Well, we consumed panela, it's
12 like hard brown sugar, but if you can be
13 more specific, perhaps I can --

14 Q. Well, how about you say processed
15 meats.

16 A. Uh-huh.

17 Q. Like sausages, did you ever eat
18 processed sausages when you were in
19 Colombia?

20 A. No.

21 Q. Did you ever eat any processed
22 meats?

23 A. Not while in Colombia, no.

24 Q. Did you ever eat Chorizo when you
25 were in Colombia?

1 W. Zuluaga

2 A. Sorry?

3 Q. Chorizo?

4 A. Chorizo, no -- well, it wasn't a
5 food that we have custom in our house.

6 Q. Were you aware that other people
7 ate that when you were in Colombia?

8 A. I was aware of the product.

9 Q. Okay.

10 And how about salchicha?

11 A. Yes.

12 Q. Is that a product you ate when
13 you were in Colombia?

14 A. Yes.

15 Q. What is salchicha?

16 A. It's like a sausage, but
17 processed differently.

18 Q. And all salchicha, were there any
19 other kinds of sausages that you ate when
20 you were in Colombia?

21 A. Not that I can remember.

22 Q. And what brand of salchicha do
23 you recall eating when you were in
24 Colombia?

25 A. I don't know.

1 W. Zuluaga

2 Q. Did you -- again, in all the
3 years until you were through 11th grade, do
4 you recall seeing television advertisements
5 for food products?

6 A. No.

7 Q. Do you recall ever seeing any
8 food products in food stores around where
9 you lived?

10 A. Food products such as?

11 Q. Such as salchicha.

12 A. The only stores near my house
13 didn't carry those type of products.

14 Q. Well, I'm not talking about just
15 near your house. I mean, you were there
16 for quite a few years, right?

17 A. I don't remember, no.

18 Q. So you don't remember ever going
19 into a store and seeing salchicha being
20 sold?

21 A. No.

22 Q. And you never recalled seeing any
23 television advertisements for any type of
24 processed meats, is that correct?

25 A. That is correct.

1 W. Zuluaga

2 Q. Did you ever purchase any
3 salchicha when you were in Colombia?

4 A. No.

5 Q. So when you ate it, had it been
6 purchased by your mother?

7 A. I presume.

8 Q. So when you left Colombia, were
9 you approximately 17 years old?

10 A. Around.

11 Q. Okay.

12 And in the 17 years that you were
13 living in the Medellin area in Colombia,
14 did you ever see any products advertised by
15 Industria?

16 A. I don't remember, no.

17 Q. Do you ever recall seeing any
18 product sold in Colombia with the Zenu
19 brand?

20 A. I don't remember seeing any.

21 Q. Do you ever remember seeing in
22 those years, ever remember seeing any
23 products sold in the Ranchera brand?

24 A. I don't remember seeing any.

25 Q. When you were in Colombia, do you

1 W. Zuluaga

2 recall ever discussing Zenu or Ranchera
3 with your mother?

4 A. No.

5 Q. Do you ever recall discussing
6 those two brands with anyone else while you
7 were in Colombia?

8 A. I do not, no.

9 Q. Are you aware of or can you
10 recall any brands for food products that
11 you saw while you were in Colombia?

12 A. I can't.

13 Q. And you mentioned your brother
14 was named Hoover, is that correct?

15 A. Correct.

16 Q. Has he ever gone by the name
17 Hooper, with a B?

18 A. Yes.

19 Q. Has he ever gone by any other
20 names that you're aware of?

21 A. Not that I'm aware of.

22 Q. Do you know why sometimes he used
23 Hoover and sometimes used Hooper?

24 MR. INGBER: Objection as
25 relevancy of his brother.

1 W. Zuluaga

2 MR. RAYMOND: We'll get to that.

3 A. I'm not aware of him using a
4 different name or a different form of his
5 name.

6 Q. Which one do you call him when
7 you speak to him? Do you call him Hooper
8 or Hoover?

9 A. In Spanish, we don't make that
10 big a difference on the two B's as we do in
11 English. So I call him Hooper.

12 Q. And does he -- has he ever worked
13 for LatinFood?

14 A. No.

15 Q. Has he ever worked for any
16 company that you were involved with?

17 A. We co-owned a company for a
18 bakery. That's it.

19 Q. What was the name of that
20 company?

21 A. Zuluaga Food Services.

22 Q. Is that company still in
23 existence?

24 A. Yes, that I know of.

25 Q. And you mentioned that that

1 W. Zuluaga

2 company ran a bakery, is that correct?

3 A. Yes.

4 Q. One bakery?

5 A. Yes.

6 Q. And what was the name of that
7 bakery?

8 A. Paisa Pan Bakery, P-A-I-S-A,
9 P-A-N, Bakery.

10 Q. And where is Paisa Pan Bakery
11 located?

12 A. Long Island, New York.

13 Q. What town in Long Island?

14 A. Farmingville.

15 Q. And is that bakery still open?

16 A. As far as I know.

17 Q. Are you still involved with it at
18 all?

19 A. I am not.

20 Q. Is your brother still involved
21 with it?

22 A. As far as I know.

23 Q. Does he run it?

24 A. I don't know.

25 Q. During the years that you were

1 W. Zuluaga
2 getting the degrees that we talked about
3 this morning, did you, were you also
4 employed?

5 A. Yes.

6 Q. And where were you employed
7 during those years?

8 A. I believe I was at Air Industries
9 Machining.

10 Q. What was the name again?

11 A. Air Industries Machining.

12 Q. What business were they in?

13 A. Manufacturing.

14 Q. Manufacturing of what?

15 A. Aircraft components and some
16 assemblies.

17 Q. And how long did you work for
18 that company?

19 A. Initially, at that time?

20 Q. Yes.

21 A. I believe I was with them 10 to
22 12 years.

23 Q. So just trying to pin this down.
24 You were born in 1968 and you believe you
25 came to the United States around age 17, so

1 W. Zuluaga

2 Q. Was it more than 10 years?

3 A. No.

4 Q. More than 5 years?

5 A. No.

6 Q. And after that acquisition, where
7 did you go?

8 A. I stayed with the company who
9 acquired them, Aljo Gefa, for a number of
10 years.

11 Q. Approximately how many?

12 A. Around maybe three years.

13 Q. And do you know what year you
14 left their employ?

15 A. I don't remember. It was early
16 2000s.

17 Q. Where did you go to work after
18 leaving Aljo Gefa?

19 A. I went back to Air Industries
20 Machining.

21 Q. And how long did you work there
22 again?

23 A. I was there, I want to say, about
24 seven years, give or take.

25 Q. What was your position during

1 W. Zuluaga

2 those seven years?

3 A. Director of production.

4 Q. What were you producing?

5 A. We were manufacturing aircraft
6 components and assemblies.

7 Q. And during this period of time in
8 the, I guess now mid 2000s, were you doing
9 anything else to make money other than this
10 job at Air Industries? Did you have any
11 sort of side business or any other
12 employment?

13 A. Yes. I was teaching DOS at the
14 time, DOS, the computer system.

15 Q. Where did you teach DOS?

16 A. Central Islip, somewhere in
17 Central Islip, there was a place in Central
18 Islip.

19 Q. And you did that just to be
20 making some extra money while you worked at
21 Air?

22 A. Yes.

23 Q. Any other outside employment
24 other than that?

25 A. That I can remember, no.

1 W. Zuluaga

2 Q. And what year did you leave Air
3 Industries the second time?

4 A. About 2010, give or take.

5 Q. And what was the next place you
6 went to work?

7 A. I founded HWZ Distributors.

8 Q. And is it correct that HWZ stood
9 for Hooper Wilson Zuluaga?

10 A. Correct.

11 Q. And is that -- did your brother
12 Hooper work with HWZ as well?

13 A. No.

14 Q. Why did you put his name in the
15 lettering?

16 A. He had an interest on it. He was
17 an investor interest on it.

18 Q. So he was a part owner, but he
19 didn't work for the company?

20 A. Right, he didn't work for the
21 company.

22 Q. Okay.

23 What other -- were there any
24 other owners other than your brother?

25 A. No.

1 W. Zuluaga

2 THE WITNESS: Can I take a break?

3 MR. RAYMOND: Yes, sure.

4 THE WITNESS: Now?

5 MR. RAYMOND: Oh, sure, yes.

6 THE VIDEOGRAPHER: Going off the
7 record. The time is 10:54 a.m.

8 (Recess taken from 10:54 a.m. to
9 11:02 a.m.)

10 THE VIDEOGRAPHER: The time is
11 11:02 a.m. We are back on the record.

12 BY MR. RAYMOND:

13 Q. Mr. Zuluaga, just before the
14 break you mentioned that in around 2010 you
15 founded HWZ Distributors, is that correct?

16 A. Yes.

17 Q. And were you and your brother the
18 owners of that company?

19 A. We co-owned it, yes.

20 Q. Were there any other owners other
21 than you and your brother?

22 A. No.

23 Q. Now, have you ever gone by any,
24 you personally gone by any names other than
25 Wilson Zuluaga?

1 W. Zuluaga
2 official capacity of that corporation, only
3 Jack.

4 Q. And LatinFoods, what name do you
5 use with respect to your involvement with
6 LatinFoods?

7 A. I haven't changed the name on
8 those documents to Jack Wilson.

9 Q. I'm not just talking about
10 documents. I'm talking about generally
11 with respect to that, any operations of
12 LatinFoods, do you always use Wilson
13 Zuluaga or do you sometimes use Jack
14 Wilson?

15 MR. INGBER: Objection. He's
16 asked you to be specific instead of
17 talking about generalities.

18 MR. RAYMOND: Right. That's what
19 I'm trying to be.

20 A. Such as what?

21 Q. In any way. Have you ever used
22 the name Jack Wilson in connection with the
23 business of LatinFoods?

24 A. I have a bank account with the
25 name of Jack Wilson in connection to

1 W. Zuluaga

2 LatinFoods. So the answer is yes.

3 Q. Okay.

4 And do you also have bank
5 accounts in connection to LatinFoods that
6 use the name Wilson Zuluaga?

7 A. I have my old account that I
8 never changed the name, yes.

9 Q. Okay.

10 But as you take new actions with
11 respect to LatinFoods, generally you use
12 the name Jack Wilson?

13 A. Correct.

14 Q. Okay.

15 Now, you mentioned earlier the
16 company HWZ Distributors, Inc. That
17 company was established around 2010, you
18 said, is that correct?

19 A. Best of my recollection, yes.

20 Q. And what was that company set up
21 to do, what business were they set up to
22 do?

23 A. Distribution for food products.

24 Q. What type of food products?

25 A. Perishables and non-perishable

1 W. Zuluaga

2 food products.

3 Q. Can you be more specific? What
4 type of non-perishable food products?

5 A. We used to distribute panela,
6 which is that hard brown sugar.
7 Guava-based snacks. Beverages.

8 Q. Anything else?

9 A. There's probably more, I just
10 don't remember.

11 Q. How about meat products, any of
12 those?

13 A. Yes, I believe so.

14 Q. What kind of meat products?

15 A. Sausages.

16 Q. Anything else?

17 A. I'm probably leaving out some. I
18 don't remember.

19 Q. And what kind of sausages did HWZ
20 Distributors --

21 A. At the time, I believe we
22 distributed raw sausages.

23 Q. And did any of those sausages
24 have a Spanish name?

25 A. Chorizo, yes.

1 W. Zuluaga

2 Q. Any name other than Chorizo used
3 by HWZ for any of its meat products?

4 A. Such as?

5 Q. Any.

6 A. For the sausages?

7 Q. For any meat products.

8 A. I don't remember. I don't know
9 exactly what you're asking.

10 Q. You use the word Chorizo. What
11 is the English translation of Chorizo?

12 A. It's a meat sausage.

13 Q. Okay.

14 And are there other types of meat
15 sausages other than Chorizo?

16 A. That were distributed by HWZ?

17 Q. Well, in general, are there other
18 types that you're aware of? We'll get to
19 HWZ in a moment, but...

20 A. Blood sausages, Morcilla,
21 M-O-R-C-I-L-L-A.

22 Q. Any other ones?

23 A. I don't know. I might be leaving
24 some out.

25 Q. How about salchicha?

1 W. Zuluaga

2 A. That's like a flank, like a hot
3 dog.

4 Q. Is a salchicha, is it a Chorizo,
5 is it a type of Chorizo or is it a
6 different thing?

7 A. My understanding is that it's not
8 considered a Chorizo.

9 Q. Okay.
10 So other than Chorizo and
11 salchicha, is there any other type of
12 sausage meat products that you're aware of?

13 A. Morcilla, I just said.

14 Q. Sorry, right, Morcilla.

15 Any other ones?

16 A. No others come to mind right now.

17 Q. Okay.

18 Were there any other ones that
19 were distributed by HWZ, to your knowledge?

20 A. At the time, I don't think so.
21 The best that I can remember, that was
22 primarily Chorizo.

23 Q. And where did HWZ distribute its
24 products?

25 A. New York.

1 W. Zuluaga

2 Q. Only in New York?

3 A. Well, the tri-state area, New
4 York, New Jersey and Connecticut.

5 Q. Was there a type of consumer that
6 HWZ targeted for its products?

7 A. Generally speaking, Hispanics.

8 Q. And how long was HWZ in -- how
9 long was it in existence?

10 A. I believe somewhere around four
11 years or so, three to four years.

12 Q. So it existed from 2010 to 2014,
13 somewhere in that --

14 A. That sounds about right.

15 Q. Okay.

16 And you said that you and your
17 brother were owners, but your brother
18 didn't work there. How many employees were
19 there other than yourself?

20 A. Various, various types.

21 Q. And did your brother ever work at
22 the company through that four-year period?

23 A. No.

24 Q. And why was the company dissolved
25 in or around 2014?

1 W. Zuluaga

2 A. At the time it was dissolved --
3 there is a word -- insolvency, I believe it
4 is.

5 Q. So the company became insolvent?

6 A. Right, the company became
7 insolvent.

8 Q. And where did HWZ -- did HWZ
9 manufacture the products it sold?

10 A. No.

11 Q. Where did it get the products
12 that it sold?

13 A. Which products?

14 Q. The meat products, where did it
15 get the meat products?

16 A. The sausages we purchased at a
17 local butcher shop.

18 Q. And that was in New York,
19 somewhere in New York?

20 A. Yes, Long Island.

21 Q. Was that around Farmingdale?

22 A. No.

23 Q. Where in Long Island?

24 A. Freeport, if I remember
25 correctly.

1 W. Zuluaga

2 Q. And where did it obtain the other
3 products that it sold?

4 A. Which products?

5 Q. Well, the ones you mentioned,
6 panela, guava-based --

7 A. The panela came from Florida.
8 The guava-based snacks -- a lot of them
9 initially came in from Florida.

10 Q. Okay.

11 And it became insolvent because
12 the business didn't go well, is that -- or
13 was this a -- strike that.

14 How did the company become
15 insolvent?

16 A. The business didn't produce, it
17 didn't go well.

18 Q. And during that period of 2010 to
19 2014 were you involved with any other
20 companies?

21 A. That I can remember, no. Hold
22 on, I worked -- sorry, strike that. I
23 worked part-time at a small company called
24 Copy Machine for a short period of time.

25 Q. So from the period 2010 to 2014,

1 W. Zuluaga

2 was HWZ the only company you were involved
3 with which distributed meat products?

4 A. On 2013, I started or I founded
5 LatinFood. So from 2013 on, I was involved
6 in LatinFood U.S. Corp.

7 Q. So for some period of time you
8 had both companies in operation,
9 LatinFood --

10 A. No, from 2013 on, the company HWZ
11 was winding down, we were filing for a
12 provision to close and so on and so forth.

13 Q. Okay.

14 And again, in that period 2010 to
15 2014, were there any other food
16 distribution companies you were involved
17 with other than HWZ and LatinFood?

18 A. That I can remember, no.

19 Q. What about Zenu Products U.S.,
20 Inc., did that exist during that period of
21 time?

22 A. No.

23 Q. Are you aware of that name?

24 A. I'm sorry, Zenu Products what?

25 Q. Zenu Products U.S., Inc.?

1 W. Zuluaga

2 A. That sounds like my d/b/a. It
3 doesn't ring a bell other than that.

4 Q. All right.

5 So again, so from 2010 to 2014,
6 you were involved with HWZ and
7 LatinFoods -- or LatinFood. Was there any
8 other company that you can recall during
9 that period of time that you were involved
10 with that distributed meat products?

11 A. That I can remember, no.

12 Q. Okay.

13 Did HWZ ever distribute any
14 products using the name Zenu?

15 A. Not to my knowledge.

16 Q. Did HWZ ever distribute any
17 products using the name Ranchera?

18 A. No, I beg your pardon. HWZ, when
19 you say using the name, using the name as
20 the business name or the brand?

21 Q. Well, my question was did HWZ
22 distribute any products that used the name
23 Zenu?

24 A. Yes.

25 Q. When did it do that?

1 W. Zuluaga

2 A. We began, or I began working with
3 those products early 2011 that I can
4 recall.

5 Q. The question is did HWZ ever
6 distribute or sell any product using the
7 name Zenu?

8 A. Yes.

9 Q. And what product is that?

10 A. Chorizo.

11 Q. Okay.

12 And when did HWZ first distribute
13 a product using -- just first use --
14 distribute a Chorizo using the name Zenu?

15 A. 2011.

16 Q. What else can you tell me about
17 that product?

18 A. What else would you like to know?

19 Q. What was it?

20 A. Chorizo sausage.

21 Q. You used the name Zenu?

22 A. Correct.

23 Q. Was that on the packaging?

24 A. Yes.

25 Q. Do you have any photographs of

1 W. Zuluaga

2 that?

3 A. I don't think so.

4 Q. Do you have any copies of the
5 packaging?

6 A. Not at this point, I don't.

7 Q. Okay.

8 And how much of that did you
9 sell?

10 A. I don't remember.

11 Q. Did you sell any of them?

12 A. Any of them, yes.

13 Q. Okay.

14 And to whom did you sell, did HWZ
15 sell the Zenu Chorizo?

16 A. Some bakeries, restaurants
17 mostly.

18 Q. And could you give me the name of
19 those bakeries or restaurants?

20 A. I don't remember.

21 Q. Can you give me the name of any
22 one of them?

23 A. I don't remember at this point.

24 Q. You can't remember a single one
25 that you sold these products to?

1 W. Zuluaga

2 MR. INGBER: Objection. Asked

3 and answered.

4 A. Correct.

5 Q. How many did you sell?

6 A. I don't know.

7 Q. How much money did you make

8 selling the Zenu Chorizo?

9 A. I don't have any numbers in front
10 of me.

11 Q. Okay.

12 A. I don't remember.

13 Q. Are you aware of any document
14 anywhere that would support your claim that
15 you sold Zenu-branded Chorizo through HWZ
16 in 2011?

17 A. I don't have anything in front of
18 me that would say that, so I don't know.

19 Q. I'm asking you if you're aware of
20 any document anywhere, not in front of you,
21 anywhere, that shows that HWZ sold a Zenu
22 Chorizo to anyone?

23 A. Not that I'm aware of right now.

24 Q. You keep saying "right now." I'm
25 asking you, do you know of any?

1 W. Zuluaga

2 A. No, I don't.

3 Q. And where are the records of HWZ?

4 A. Which type of records?

5 Q. Any records.

6 A. Which, the financial records?

7 Q. Any records, any of those or
8 anything else?

9 A. I'll have to search. Right now,
10 I don't know. I wasn't prepared to answer
11 that question.

12 Q. Are you aware, sitting here
13 today, of the location of any documents
14 that relate to HWZ's sale of Zenu-branded
15 Chorizo?

16 A. I have possible locations, but
17 I'd have to search.

18 Q. You have possible locations. But
19 I'm saying are you aware, sitting here
20 today, of any actual documents that support
21 your claim that HWZ sold Zenu-branded
22 Chorizo in 2011?

23 MR. INGBER: Objection. Asked
24 and answered in many different
25 formats.

1 W. Zuluaga

2 MR. RAYMOND: I don't think so.

3 A. No.

4 Q. And in the trademark application
5 in which LatinFood filed for the Zenu
6 brand, you stated that the first use of
7 that trademark was in 2011.

8 Is it this use that you're
9 referring to, the alleged sale by HWZ?

10 A. Yes.

11 Q. Was there any sale by LatinFood
12 in 2011 that you're aware of?

13 A. LatinFood didn't exist at the
14 time. This LatinFood you're referring to,
15 my company today, was not incorporated in
16 2011.

17 Q. Okay.

18 Just so we're clear, the sale
19 you're referring to in that trademark
20 application that -- sorry, the first use
21 that you claimed in that trademark
22 application in 2011, was this sale or sales
23 that you've referred to by HWZ?

24 A. Yes.

25 Q. Okay.

1 W. Zuluaga

2 And the brand name Ranchera, was
3 that ever used by HWZ?

4 A. Yes.

5 Q. And what did HWZ sell with the
6 Ranchera name on it?

7 A. At the time we, I began to sell
8 smoked sausages.

9 Q. When was that? When was the
10 first such sale?

11 A. Best that I can recall somewhere
12 around a year after, so probably 2012.

13 Q. And was it HWZ that did those
14 sales?

15 A. Yes.

16 Q. So around 2012, HWZ sold sausages
17 using the Ranchera brand name, is that
18 correct?

19 A. Correct.

20 Q. And can you tell me where there
21 are any records that might support that
22 allegation?

23 A. No.

24 Q. Now, you said that HWZ became
25 insolvent, correct?

1 W. Zuluaga

2 A. That's why we closed it, yes.

3 Q. And was there a bankruptcy
4 proceeding filed?

5 A. No.

6 Q. Was there any type of state
7 insolvency proceeding filed?

8 A. I don't understand "state
9 insolvency." What do you mean by that?

10 Q. Was anything filed with the State
11 of New York saying that the company had
12 been insolvent?

13 A. Yes.

14 Q. And it was in New York where you
15 did that?

16 A. Correct.

17 Q. Okay.

18 Was any type of trustee or other
19 person appointed to watch over the
20 insolvency of the company?

21 A. No.

22 Q. Were you in charge of the
23 insolvency?

24 A. I was in charge of the company.

25 Q. But is it correct that no one

1 W. Zuluaga

2 else?

3 A. Explore. As I remember, that's
4 mostly it.

5 Q. And the meat products that were
6 sold by HWZ, did you intend to distribute
7 the same sort of meat products through
8 LatinFood?

9 A. Yes.

10 Q. And were there any additional
11 meat products you planned to have LatinFood
12 distribute?

13 A. Yes.

14 Q. What were the additional ones?

15 A. Salamis, ham, Mortadella which is
16 a Spanish round ham -- there might be some
17 others.

18 Q. Were there any other sausage
19 products you intended to have LatinFood
20 distribute?

21 A. Yes.

22 Q. What kind of sausage products?

23 A. Chorizo, Mexican, Argentinian,
24 Colombian, Salvadorian, Ecuadorian.

25 Q. So you wanted to expand the list

1 W. Zuluaga
2 of Chorizo that HWZ had distributed?

3 A. Yes.

4 Q. And did you have the same sort of
5 target audience, if you will, or target
6 consumers, the Hispanic community?

7 A. I wanted to expand customer base
8 as well.

9 Q. And expanding it to what?

10 A. To include additional, you know,
11 primarily Hispanics, but I also wanted to
12 expand from that base.

13 Q. And when you say "Hispanic," did
14 you include in that group people who had
15 come from these various South American
16 countries?

17 A. Well, that would be the
18 Hispanics.

19 Q. Right.

20 A. Right.

21 Q. But did Hispanics include people
22 who had lived in South America and moved to
23 the U.S. or was it next generation?

24 A. I don't have a strategic plan for
25 that, just generally Hispanic community.

1 W. Zuluaga

2 Q. Okay.

3 I guess what I'm asking is, did
4 the Hispanic community you were targeting
5 include people who had come from various
6 South American countries and moved to the
7 United States?

8 A. I don't know if they came from or
9 where they came from.

10 Q. Over the years, were you aware
11 that some of the customers of LatinFood
12 products were people who had come from
13 South America countries and moved to the
14 United States? Were those included in your
15 customer base?

16 A. I targeted and was aware that my
17 customer base was significantly Hispanic.
18 Where they came from or how they come
19 about, I'm not particularly aware of.

20 Q. Okay.

21 Now, we spoke a little bit
22 earlier about the entity Zenu Products
23 U.S., Inc. I think you said you thought
24 that might be a d/b/a.

25 Do you recall anything further

1 W. Zuluaga

2 A. At what point did I stop my
3 involvement with -- I was never really
4 involved with the bakery. Running was my
5 brother running it. I never --

6 Q. Okay.

7 A. I was never involved in running
8 the bakery.

9 Q. Were you an owner at any time of
10 the bakery?

11 A. Yes.

12 Q. And are you still an owner?

13 A. No.

14 Q. At what point did you stop being
15 an owner?

16 A. I believe it was around 2010 -- I
17 don't remember. I don't want to speculate.
18 I'm sorry.

19 Q. And to your knowledge, is your
20 brother still running the bakery?

21 A. I don't know.

22 Q. Do you speak to your brother
23 regularly?

24 A. No.

25 Q. Do you speak to him at all?

1 W. Zuluaga

2 A. Almost never.

3 Q. Did you have a falling out with
4 your brother?

5 A. With his wife.

6 Q. And when, approximately, did that
7 happen?

8 A. I don't remember specifically
9 when that happened. It was just something
10 that developed.

11 Q. Was that prior to 2013?

12 A. Yes.

13 Q. And did you transfer your
14 ownership interest in the bakery to your
15 brother?

16 A. Yes.

17 Q. Did he pay you for it?

18 A. Yes.

19 Q. And at the time that you were
20 still an owner, did the bakery sell
21 products to the Hispanic community as well?

22 A. That was a Hispanic bakery.

23 Q. And did it sell products that
24 came from South American countries?

25 A. At some point, yes, some

1 W. Zuluaga

2 products.

3 Q. Okay.

4 Would that include Colombian
5 products?

6 A. Yes.

7 Q. Are you familiar with a company
8 named Two Way Solutions?

9 A. Yes.

10 Q. And what is that company?

11 A. That company is one of my
12 suppliers in Colombia.

13 Q. When you say your supplier, you
14 mean LatinFood's supplier?

15 A. Correct.

16 Q. And what does Two Way Solutions
17 provide to LatinFoods?

18 A. Beverages, snacks, other various
19 products.

20 THE WITNESS: I'm sorry, may we
21 stop for a quick two minutes?

22 MR. RAYMOND: Yes.

23 THE VIDEOGRAPHER: Going off the
24 record. The time is 12:02 p.m.

25 (Recess taken from 12:02 p.m. to

1 W. Zuluaga

2 it was called, supply goods to HWZ before
3 LatinFoods?

4 A. Yes.

5 Q. And did it supply the same types
6 of products that it now supplies to
7 LatinFood?

8 A. Generally speaking, yes.

9 Q. Was there any legal relationship
10 between the U.S. HWZ and the Colombian HWZ?

11 A. No.

12 Q. Have you ever heard of the
13 company Un Solo Provodor?

14 A. I don't know. I don't remember.

15 Q. You've never heard that name?

16 A. I might have. It just doesn't
17 ring a bell.

18 Q. So you're not aware of LatinFoods
19 ever ordering any products from a company
20 with that name?

21 A. I don't remember specifically.
22 No, I don't remember.

23 Q. Okay.

24 Now you stated that LatinFoods
25 came into existence in around 2013. Was it

1 W. Zuluaga
2 incorporated in that year, to your
3 knowledge?

4 A. Yes.

5 Q. And you're the sole owner -- have
6 you been the sole owner since its
7 inception?

8 A. Yes.

9 Q. Okay.

10 And today what kind of
11 products -- what products does it sell?

12 A. Which company?

13 Q. LatinFood.

14 A. We just went through this. I get
15 panela, snacks, other groceries, meat
16 products, flour, corn.

17 Q. And approximately how many
18 employees does the company have today?

19 A. Including myself, six.

20 Q. Now, you stated a little while
21 ago that one of the things you were
22 considering in establishing LatinFoods was
23 to start to manufacture some products.

24 Has LatinFoods -- does LatinFoods
25 manufacture any products today?

1 W. Zuluaga

2 A. No.

3 Q. Okay.

4 Do you still intend to turn it
5 into a manufacturer at some point?

6 A. That's one of my plans, yes.

7 Q. Okay.

8 But as of today, you still just
9 distribute products manufactured by others?

10 A. Correct.

11 Q. And do you actually retain
12 companies to manufacture products for
13 LatinFoods?

14 A. Yes.

15 Q. And how many companies actually
16 manufacture products for LatinFood?

17 A. Can you be a little more
18 specific, please?

19 Q. How many companies manufacture
20 product for LatinFoods to distribute?

21 A. Here in the United States?

22 Q. Yes.

23 A. A handful, four, five perhaps,
24 six.

25 Q. Okay.

1 W. Zuluaga

2 And Cibao Meats is one of those
3 companies?

4 A. Yes.

5 Q. What does Cibao Meats manufacture
6 for LatinFood?

7 A. Today, they manufacture salamis.

8 Q. And did they previously
9 manufacture anything other than salamis?

10 A. Yes.

11 Q. What was that?

12 A. Sausages.

13 Q. When did they stop manufacturing
14 sausage for LatinFood?

15 A. I don't remember when. It was a
16 short period of time. They manufactured it
17 for a short period of time.

18 Q. Okay.

19 And why did they stop
20 manufacturing sausages for LatinFood?

21 A. I found another manufacturer.

22 Q. What manufacturer was that?

23 A. Arnold's Meat.

24 Q. And where are they located?

25 A. They have a location in

1 W. Zuluaga

2 Pennsylvania and they have a location in
3 Brooklyn.

4 Q. And does LatinFood distribute
5 products using the Zenu -- or Zenu and
6 Ranchera brands?

7 A. Yes.

8 Q. When did you first decide to use
9 the Zenu brand?

10 A. I want to say early 2011.

11 Q. And how did that come about?

12 A. How did what come about, the
13 decision to use it?

14 Q. Yes, how did it come about that
15 you decided to use the name Zenu?

16 A. I wanted to distribute brands
17 that I owned. So I wanted to come up with
18 a name for the meat products that were sold
19 and distributed.

20 Q. And how did you go about deciding
21 to use that particular word Zenu?

22 A. I came to different gyrations of
23 my last name and some of my family's
24 relatives' names.

25 Q. By your family name, you mean the

1 W. Zuluaga

2 name Zuluaga?

3 A. Zuluaga and I took into
4 consideration some others at the time --
5 but yes.

6 Q. Some other names?

7 A. Zuluaga, yes.

8 Q. And that was in early 2011 when
9 you first came up with that idea?

10 A. I don't know when I came up with
11 the idea. It was late 2010, early 2011.

12 Q. Okay.

13 And is it your testimony that at
14 that point in time you had never heard of
15 Industria's Zenu brand?

16 A. Correct.

17 Q. And you had never seen an
18 advertisement as of 2011 for Industria's
19 Zenu brand?

20 A. Not that I can remember, no.

21 Q. And you had never seen an
22 Industria Zenu-branded product in a store
23 in Colombia or elsewhere?

24 A. Not that I can remember.

25 MR. RAYMOND: I'm going to ask

1 W. Zuluaga
2 the reporter to mark as Exhibit 10 a
3 trademark application for Zenu.

4 (Plaintiff's Exhibit 10,
5 Trademark application, marked for
6 identification, as of this date.)

7 BY MR. RAYMOND:

8 Q. Have you seen this document
9 before?

10 A. Yes.

11 Q. And is this a printout of the
12 trademark application filed on your behalf
13 for Zenu mark?

14 A. It appears to be.

15 Q. And if you turn in a few pages,
16 there are a couple of photos of specimens
17 of Zenu mark.

18 Do you see those?

19 A. Yes.

20 Q. Okay.

21 And were those specimens filed
22 with this application?

23 A. Not to my knowledge. This is not
24 my specimen.

25 Q. Did you file specimens with your

1 W. Zuluaga

2 application?

3 A. USTM filed the application on my
4 behalf. I hired them to handle all the
5 registration process.

6 Q. Okay.

7 But you saw the application
8 before it was submitted, did you not?

9 A. I did not.

10 Q. And you're aware that this
11 application as specimens pictures of my
12 client's products, is that correct?

13 A. I became aware through the course
14 of this process.

15 Q. But you are aware now that this
16 application was filed with photographs of
17 my client's Zenu products, is that correct?

18 A. That is correct.

19 Q. Okay.

20 And, in fact, there were no
21 products in existence from LatinFoods
22 certainly in using the Zenu mark at that
23 time, is that correct?

24 A. That is incorrect.

25 Q. Okay.

1 W. Zuluaga

2 You're saying that LatinFood had
3 sold products using Zenu trademark in 2013?

4 A. Yes.

5 Q. Okay.

6 When did they first sell such a
7 product?

8 A. LatinFood or HWZ?

9 Q. Well, let's start with LatinFood.

10 MR. INGBER: Well, this is an
11 HWZ --

12 MR. RAYMOND: Let him answer the
13 question.

14 MR. INGBER: This is an HWZ
15 application.

16 MR. RAYMOND: Understood, but he
17 said that LatinFood had sold products
18 with Zenu. I'm asking about that.

19 A. 2013, when it incorporated.

20 Q. LatinFood started to sell
21 products with the Zenu nail?

22 A. Yes.

23 Q. And if there were such product,
24 why were those not used as samples for this
25 application?

1 W. Zuluaga

2 A. I learned later on that USTM
3 didn't file the correct specimens with the
4 application. I provided the right
5 specimens. They didn't use them.

6 Q. And have you ever produced those
7 specimens in this litigation?

8 A. Say the question again?

9 Q. Have you ever produced those
10 specimens in this litigation?

11 A. These specimens, no.

12 Q. And was this trademark
13 application granted, to your knowledge?

14 A. To my knowledge, yes.

15 Q. And do you know was it granted in
16 September of 2013?

17 A. I believe it was.

18 Q. Okay.

19 Now, you have seen the Industria
20 Zenu trademark, correct, today?

21 A. Yes.

22 Q. Okay.

23 So you're aware of Zenu's
24 trademark -- or Zenu's brand, we'll call it
25 that.

1 W. Zuluaga

2 MR. INGBER: Can you specify in
3 the U.S. or what geography location?

4 BY MR. RAYMOND:

5 Q. Have you ever seen -- you've seen
6 Zenu's branded products by today, correct?

7 A. No.

8 Q. You've never seen a Zenu product?

9 A. Products, no.

10 Q. Have you ever seen the Zenu brand
11 name?

12 A. Yes.

13 Q. Okay.

14 And would you agree that the Zenu
15 brand name is identical to the Zenu brand
16 name that you trademarked?

17 A. That is not my specimen.

18 Q. I'm not talking about the
19 specimen. Forget the specimen.

20 Sitting here today, would you
21 agree that your Zenu product, what you
22 claim to be your Zenu trademark, is
23 identical to the Zenu brand that Industria
24 uses?

25 MR. INGBER: Do you have a --

1 W. Zuluaga

2 BY MR. RAYMOND:

3 Q. You never got a registration at
4 any time using that mark?

5 A. You said first "logo" and then
6 you say "mark." So please specify which is
7 it, did I get it on this logo or on --

8 Q. Okay, you want to call this a
9 logo.

10 Did you ever get a registration
11 on this logo?

12 A. No.

13 Q. Never?

14 A. No.

15 Q. Okay.

16 What Zenu mark did you get a
17 registration in?

18 A. On my brand, on the word,
19 Z-E-N-U, the word.

20 Q. Okay.

21 Have you used this logo?

22 A. Yes.

23 Q. In connection with a sale?

24 A. Yes.

25 Q. Right.

1 W. Zuluaga

2 And it's your testimony that you
3 came up with this logo on your own,
4 correct?

5 A. Yes.

6 Q. Okay.

7 So it's your testimony that it is
8 just an incredible coincidence that you
9 came up with exactly the same logo that
10 Industria has used for 50 years in
11 Colombia? Is that your testimony?

12 A. It's not the same logo.

13 Q. Are these two the same or not?

14 A. They're not the same. There's
15 differences between them.

16 Q. Okay, there are differences
17 between them. What are the differences
18 between them?

19 A. The angle is different. The
20 thing over the U is different. The
21 underline is different. They appear to use
22 the same font, but that's a very regular
23 font.

24 Q. Okay.

25 You say they're different. So my

1 W. Zuluaga
2 question still is -- my question still is
3 that it is your testimony under oath,
4 sitting here today, that the similarities
5 between these two are a complete
6 coincidence, is that correct?

7 MR. INGBER: Objection. There's
8 no question. What's the question?

9 MR. RAYMOND: Read it back.

10 (The requested portion was read
11 back by the Court Reporter.)

12 MR. INGBER: Objection.

13 Argumentative also.

14 BY MR. RAYMOND:

15 Q. Is it your testimony that the
16 similarities between these two logos are a
17 complete coincidence?

18 A. I don't know. I came up with the
19 logo based on what I came up with the logo.
20 Whether it's a coincidence or not, I don't
21 know.

22 Q. Okay.

23 But it is your testimony under
24 oath, sitting here today, that you had
25 never seen the Industria Zenu logo at the

1 W. Zuluaga

2 time that you designed your Zenu logo, is
3 that correct?

4 A. That is incorrect.

5 Q. That what?

6 A. Incorrect.

7 Q. It's incorrect? So you had seen
8 the Industria Zenu logo before you came up
9 with your Zenu logo?

10 A. Yes.

11 Q. And where had you seen the
12 Industria Zenu logo?

13 A. Probably on the net, internet.

14 Q. Okay.

15 So, therefore, you copied the
16 Zenu logo, is that correct?

17 MR. INGBER: Objection.

18 That's --

19 MR. RAYMOND: Stop testifying.
20 Object or not objection.

21 MR. INGBER: You didn't let me
22 finish my objection. There's a lack
23 of foundation to everything you're
24 saying here.

25 MR. RAYMOND: Good. Good.

1 W. Zuluaga

2 A. I did not copy it, no.

3 Q. So again, it is coincidence that
4 your logo came out exactly the same as the
5 Industria Zenu logo?

6 MR. INGBER: Objection. The same
7 type of argumentative questions.
8 They've been asked a number of times.

9 MR. RAYMOND: You're interfering
10 with this deposition.

11 MR. INGBER: No, you're asking
12 the same question.

13 MR. RAYMOND: You either direct
14 him not to answer or object to the
15 form. That's what you're allowed to
16 do.

17 MR. INGBER: I am objecting as to
18 form. All my objections are limited
19 to form.

20 BY MR. RAYMOND:

21 Q. All right.

22 So you had seen -- you had seen
23 Industria's Zenu logo before you created
24 yours?

25 A. The logo.

1 W. Zuluaga

2 Q. You had seen the logo, yes?

3 A. Yes.

4 Q. Okay.

5 Previously in responses to
6 interrogatories and other things in this
7 case, you claimed that you had never seen
8 it before, but now you're claiming --

9 A. But --

10 Q. Let me finish -- now you're
11 admitting that you had seen the Industria's
12 Zenu logo before you came up with your Zenu
13 logo?

14 MR. INGBER: Objection. Assuming
15 facts not in evidence.

16 BY MR. RAYMOND:

17 Q. Is that correct? Is that your
18 testimony today?

19 A. I don't know what you're saying
20 about what I testified to before, but had I
21 seen the logo when I came up with my logo?
22 Yes.

23 Q. But it's your testimony that even
24 though you had seen the Industria Zenu
25 logo, the one you came up with is not a

1 W. Zuluaga

2 copy of that, is that correct?

3 A. It's not a copy. It's not an
4 exact copy, no.

5 Q. It's not an exact copy, but it's
6 substantially similar, is it not?

7 A. I don't think so. It's not my
8 opinion.

9 Q. Well, they're both in red, right?
10 You both use it in red, is that correct?

11 A. Correct.

12 Q. And they both have a large Z and
13 then a smaller E-N-U, is that correct?

14 A. It's a cap Z and lower case,
15 correct.

16 Q. And they both have an underlining
17 only under the E-N-U, is that correct?

18 A. Correct.

19 Q. And they both have an accent
20 going up only on the U, is that correct?

21 A. Correct.

22 Q. And they are both at exactly the
23 same angle moving up from left to right, is
24 that correct?

25 A. No, that's not correct.

1 W. Zuluaga

2 Q. They don't both have an angle
3 going up from left to right?

4 A. I don't see that here as being
5 the same, no.

6 Q. You don't see that in Exhibit 11?
7 What, you think one of these is flat or --

8 A. Yes, actually.

9 Q. Okay.
10 So isn't it correct then that you
11 essentially copied my client's Zenu logo?

12 A. No.

13 Q. How -- only because of the --
14 okay.

15 What is not copied? What part of
16 your logo is not copied from Industria's
17 Zenu logo?

18 A. I have a different angle. I have
19 a different accent over the U. And the
20 line under it is actually different.

21 Q. Okay.

22 Those are the only differences?

23 A. As I can tell from here from this
24 point, yes.

25 Q. And were you concerned when you

1 W. Zuluaga
2 filed the trademark registration and made
3 use of a logo that was extremely similar,
4 if not identical, to one that had been used
5 for many, many years by Industria in
6 Colombia?

7 A. When I filed the trademark
8 registration, I had not seen this logo.

9 Q. You just said you had seen this
10 logo before you came up with your design of
11 Zenu.

12 A. I did. You're asking two
13 different questions. Please specify.
14 You're talking about the trademark
15 registration or the logo?

16 Q. Okay.

17 So your testimony is that your
18 trademark registration was only in the word
19 Zenu and not in this --

20 A. Correct.

21 Q. -- in this format?

22 A. My initial registration, yes.

23 Q. Even though the registration had
24 specimens that used this logo, in fact used
25 pictures of my client's version of that

1 W. Zuluaga

2 logo, correct?

3 A. At the time, I wasn't aware of
4 that, no.

5 Q. You weren't aware of it, but it
6 was your trademark registration filed on
7 behalf of your company and your name,
8 correct?

9 A. I hired a company to handle all
10 the aspects of the registration process,
11 including investigation and everything that
12 was involved. I didn't know what needed to
13 be done.

14 Q. Okay.

15 But it was on behalf of your
16 company and you?

17 A. It was unbeknownst to me that
18 they did.

19 Q. It was unbeknownst to you, you
20 claim, but it was done on your behalf,
21 correct?

22 A. I did not know about it. It was
23 never my intention to deceive anybody with
24 this, no.

25 Q. In fact, looking back at Exhibit

1 W. Zuluaga

2 I'd like an answer to it.

3 (The requested portion was read
4 back by the Court Reporter.)

5 A. Yes.

6 Q. And you claim that at the time
7 you came up with your Zenu mark, you had --
8 you were completely unaware that Industria
9 was selling products in Colombia using the
10 Zenu brand?

11 A. Correct.

12 Q. And even though you had spent 17
13 years in Colombia, you had never seen the
14 Zenu brand on any product, is that correct?

15 MR. INGBER: Objection. Asked
16 and answered.

17 BY MR. RAYMOND:

18 Q. Is that correct?

19 MR. INGBER: Asked and answered
20 ten times. Badgering the witness.

21 BY MR. RAYMOND:

22 Q. Is that correct?

23 A. Correct.

24 Q. And have you gone back to
25 Colombia at any time since you left at age

1 W. Zuluaga

2 17?

3 A. Yes.

4 Q. Okay.

5 How many times have you gone back
6 to Colombia since then?

7 A. I don't know.

8 Q. More than ten?

9 A. No.

10 Q. More than five?

11 A. Probably more than five.

12 Q. Okay.

13 And you visited your mother when
14 you were there?

15 A. Yes.

16 Q. And in those more than five,
17 between five and ten trips to Colombia,
18 again, you never saw any Industria
19 Zenu-branded product sold or advertised in
20 Colombia, is that correct?

21 MR. INGBER: Same objection.

22 A. Correct.

23 Q. And you also claim that you came
24 up with the Ranchera mark on your own, is
25 that correct?

1 W. Zuluaga

2 A. Yes.

3 Q. And so are you aware that Zenu
4 and Ranchera are Industria's two major
5 brands in Colombia?

6 A. No, I wasn't aware of that.

7 Q. Okay.

8 And is it your testimony that you
9 had never seen any Industria Ranchera brand
10 product sold or advertised in Colombia
11 before you came up with your Ranchera mark?

12 A. I haven't been in Colombia more
13 than a couple of days. No, I haven't.

14 Q. So no, you never seen that
15 before?

16 A. No, I never seen it.

17 Q. Okay.

18 So again, it is your testimony
19 that it is just a huge coincidence that you
20 happened to come up with Industria's two
21 major trademarks as your trademarks --
22 sorry, two major logos, we'll call them, as
23 your logos and trademarks to be used in the
24 United States, is that correct?

25 A. That is correct.

1 W. Zuluaga

2 Do I need these anymore?

3 Q. You should keep those, yes.

4 MR. INGBER: What time is a good
5 time to break for lunch?

6 MR. RAYMOND: Let me just get
7 through this one more document and
8 then we'll do that.

9 Let me ask the reporter to mark
10 as Exhibit 13 some handwritten notes
11 that have been produced in this case.

12 (Plaintiff's Exhibit 13,
13 Handwritten notes, marked for
14 identification, as of this date.)

15 BY MR. RAYMOND:

16 Q. Mr. Zuluaga, we've marked as
17 Exhibit 13 several pages of handwritten
18 notes which your counsel produced to us in
19 this case.

20 Can you tell me what this
21 document is?

22 A. This appears to be some of the
23 gyrations that I contemplated when coming
24 up with my brand Zenu.

25 Q. And when did you create this

1 W. Zuluaga

2 document?

3 A. I don't remember.

4 Q. Was it two years ago?

5 A. No.

6 Q. Was it more than two years ago?

7 A. Yes.

8 Q. How many more?

9 A. I don't remember when I came up
10 with the document.

11 Q. Was it prior to the commencement
12 of this lawsuit?

13 A. Oh, yes.

14 Q. You're certain of that?

15 A. Yes.

16 Q. Okay.

17 Where were you when you created
18 this document?

19 A. I don't remember.

20 Q. Was there anybody with you when
21 you created this document?

22 A. No.

23 Q. Other than your counsel, has
24 anybody ever seen this document before you
25 produced it in this lawsuit?

1 W. Zuluaga

2 A. Not to my knowledge.

3 Q. You never showed it to anyone at
4 LatinFood?

5 A. No.

6 Q. Did you ever show it to your
7 mother?

8 A. No.

9 Q. So you have no idea what year you
10 created this, correct?

11 A. I don't, correct.

12 Q. Was it prior to filing the
13 trademark registration application that we
14 marked earlier?

15 A. I don't remember when I created
16 it.

17 Q. So it might have been after you
18 filed the application?

19 A. I don't remember.

20 Q. Okay.

21 MR. RAYMOND: All right. It's
22 1:00. So why don't we take a lunch
23 break. How much time do you think you
24 need?

25 MR. INGBER: 45 minutes?

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W. Zuluaga

MR. RAYMOND: That's fine.

THE VIDEOGRAPHER: Going off the
record. The time is 12:59 p.m.

(Luncheon Recess taken at 12:59
p.m.)

* * *

1 W. Zuluaga

2 A F T E R N O O N S E S S I O N

3 (Time noted: 2:05 p.m.)

4

5 THE VIDEOGRAPHER: The time is
6 2:05 p.m. We are back on the record.

7 MR. RAYMOND: Let me ask the
8 reporter to mark as Exhibit 14 a
9 one-page document with two logos on
10 it.

11 (Plaintiff's Exhibit 14, Document
12 with two Ranchera logos, marked for
13 identification, as of this date.)

14 BY MR. RAYMOND:

15 Q. Mr. Zuluaga, I've handed you a
16 document which is both my client's Ranchera
17 logo and LatinFood's Ranchera logo.

18 Do you see that?

19 A. I don't.

20 Q. Do you recognize either of these
21 as a logo that you've used on LatinFood
22 products?

23 A. No.

24 Q. Do you claim to have designed
25 either of these logos?

1 W. Zuluaga

2 A. I didn't use any of this.

3 Q. Neither of these have been used
4 on any LatinFood products, is that your
5 testimony?

6 A. Correct.

7 Q. But you do claim to have come up
8 independently with the mark Ranchera,
9 correct?

10 A. Yes.

11 Q. Okay.

12 And is it your testimony that you
13 did that without being aware of Industria's
14 use of the mark Ranchera?

15 A. Correct.

16 Q. When did you first become aware
17 that Industria did use the mark Ranchera?

18 A. I first became aware sometime in
19 2013.

20 Q. And how did that come about?

21 A. If I remember correctly, there
22 was a communication from the USTM during
23 the process of my application that was
24 another brand out there similar to mine.

25 Q. And what did you do to learn

1 W. Zuluaga

2 about that brand?

3 A. I didn't.

4 Q. You didn't research it at all?

5 A. No.

6 Q. You didn't Google Ranchera or --

7 A. At that time I don't remember

8 Googling them, no.

9 Q. Okay.

10 Do you remember doing any other

11 kind of research to find out who this

12 company was that was using what you

13 claim --

14 A. Not at that time, no.

15 Q. Okay.

16 But you did become aware of that

17 prior to using Ranchera on any LatinFood

18 products, is that correct?

19 A. No, that's incorrect.

20 Q. Well, you testified earlier you

21 didn't use Ranchera until 2014, isn't that

22 correct?

23 A. No, I don't think that's correct.

24 Q. Okay.

25 When did you first use Ranchera

1 W. Zuluaga

2 on a product?

3 A. If my memory serves me right,
4 sometime in 2012.

5 Q. And that was HWZ?

6 A. Yes.

7 Q. And at the time you created
8 whatever your Ranchera mark was, had you
9 seen Industria's Ranchera mark?

10 A. I don't remember seeing any other
11 mark like that, no.

12 Q. So you didn't see it?

13 A. I don't remember seeing any other
14 mark like that, no.

15 Q. Okay.

16 At some point in time have you
17 seen Industria's Ranchera mark?

18 A. Yes.

19 Q. And is it your contention that it
20 is substantially different from the
21 Ranchera logo that you use?

22 A. I believe so, yes.

23 Q. Okay.

24 A little bit earlier today you
25 had mentioned Jaline Isidor, correct?

1 W. Zuluaga

2 A. Correct.

3 Q. And she is the -- she runs Cibao
4 Meats, is that correct?

5 A. That's not the impression that I
6 got, no.

7 Q. She works for Cibao Meats?

8 A. I believe so, yes.

9 Q. Okay.

10 And you had said that Cibao Meats
11 at one time produced certain products for
12 LatinFood, is that correct?

13 A. Yes.

14 Q. And did Cibao Meats also do
15 design work for LatinFood?

16 A. No, not Cibao Meats, no.

17 Q. Did some company relate to Cibao
18 Meats do design work?

19 A. Yes.

20 Q. And which company was that?

21 A. I believe the name was Jayi or
22 Yayi or Juyi Photography. I don't
23 remember.

24 Q. You understood that that company
25 was affiliated with Cibao Meats somehow?

1 W. Zuluaga

2 A. I understood that company to be,
3 yes.

4 Q. Okay.

5 And in communicating with them,
6 did you communicate through Jaline Isidor
7 at times?

8 A. I'm sorry, say that again?

9 Q. Well, when you were communicating
10 with Yayi Photography about design work,
11 did you sometimes communicate through
12 Jaline Isidor?

13 A. Yes.

14 Q. Did you instruct Ms. Isidor to
15 look on Industria's website, www.zenu.com,
16 in connection with their design work for
17 LatinFoods?

18 A. I told her to look at it for
19 inspiration, yes.

20 Q. And are you aware in several
21 e-mails that you instructed her to mimic
22 certain designs on that website?

23 MR. INGBER: Objection. There's
24 no foundation for that. I don't
25 believe --

1 W. Zuluaga

2 MR. RAYMOND: "No foundation" is
3 not an appropriate objection in a
4 deposition.

5 MR. INGBER: Yes, it is. Lack of
6 foundation.

7 MR. RAYMOND: You can object to
8 form. It's all reserved until trial.
9 So you're just coaching the witness.
10 He can answer the question or not.
11 You can direct him not to answer or
12 you can object to the form, but the
13 speaking objections are completely
14 inappropriate, you've said it to the
15 magistrate. So I'd like you to stop
16 telling your witness what to say and
17 let him answer the question.

18 MR. INGBER: "Lack of foundation"
19 is a proper form of objection.

20 MR. RAYMOND: Not in a
21 deposition, but --

22 BY MR. RAYMOND:

23 Q. In any event, you can answer the
24 question.

25 MR. RAYMOND: Can you read it

1 W. Zuluaga
2 e-mail that we've marked as Exhibit 18,
3 which you approved certain label designs,
4 that there was some tweaking and changes
5 that needed to be made for finalizing,
6 before finalizing.

7 What tweaking or other changes
8 were made, to the best of your
9 recollection?

10 A. The complete layout was changed.

11 Q. Could you explain what you mean
12 by that?

13 A. The nutritional table was put in
14 a different spot, the ingredients in a
15 different spot, it was totally turnaround.
16 This labels was never used, never printed.

17 Q. The new labels contain photos of
18 the products, correct?

19 A. Correct.

20 Q. And they contained your version
21 of the Zenu trademark, is that correct?

22 A. You're talking about my new
23 labels?

24 Q. Your labels that were made after
25 October of 2013?

1 W. Zuluaga

2 Q. Does that refresh your
3 recollection about whether you approved
4 her, the labels that she had created for
5 you with the Zenu logo and the other design
6 elements?

7 A. I approved the images that were
8 up to that point in production. There were
9 additional tweaking and changes that needed
10 to be finalized.

11 Q. Okay. Thank you.

12 THE WITNESS: Just when you get a
13 chance, Peter -- sorry, I know it's
14 annoying, but I've got to --

15 MR. RAYMOND: Not a problem.

16 Take a break.

17 THE VIDEOGRAPHER: Going off the
18 record. The time is 2:30 p.m.

19 (Recess taken from 2:30 p.m. to
20 2:41 p.m.)

21 THE VIDEOGRAPHER: The time is
22 2:41 p.m. We are back on the record.

23 BY MR. RAYMOND:

24 Q. Mr. Zuluaga, just before the
25 break you had said in response to the

1 W. Zuluaga
2 2013 from Mr. Zuluaga to Ms. Isidor
3 responding to her, October 24th
4 e-mail.
5 (Plaintiff's Exhibit 18, E-mail
6 dated 10/24/13, marked for
7 identification, as of this date.)

8 BY MR. RAYMOND:

9 Q. Zuluaga Exhibit 18 which I've
10 just shown you contains an e-mail from
11 Ms. Isidor to you dated October 24, 2013
12 saying, "Good afternoon, Wilson. Attached
13 are all the images that will be used for
14 your product line. Please send me an
15 e-mail with the word approved for all of
16 images so that they can be sent for
17 production. I included the Salchichon
18 traditional so you could see everything all
19 together. It has been sent already to the
20 company."

21 And you then responded a few
22 hours later that day saying, "Good
23 afternoon. All images are hereby
24 approved" -- in all caps.

25 A. Yes.

1 W. Zuluaga

2 A. Well, I don't have it in front of
3 me. These labels were never printed.
4 These labels were never used.

5 Q. But you don't remember how they
6 were changed? You remember you changed the
7 Zenu logo as shown on Exhibit 11 --

8 A. I think almost 200 labels. I
9 can't tell you how many changes each of
10 them took over time. If I had it in front
11 of me, I could tell you. I don't have it
12 in front of me.

13 Q. Did you ever write her and tell
14 her to stop mimicking the website that you
15 told her to look at for inspiration?

16 A. I told her to take her own
17 pictures, use her own designs.

18 Q. And are you aware that Ms. --
19 subsequent to Exhibit 17, Ms. Isidor
20 specifically asked you to approve the
21 labels that she had created for you and you
22 did approve them?

23 A. I don't have that in front of me.

24 MR. RAYMOND: Let's mark as

25 Exhibit 18 an e-mail dated October 24,

1 W. Zuluaga

2 did in Exhibit 11, that's what you're
3 saying?

4 A. Right.

5 Q. Okay.

6 And those are the only changes
7 you made from the second logo to the first
8 logo on Exhibit 11?

9 A. Yes.

10 Q. And the pictures of the product
11 that were included in these attachments,
12 did you use those pictures or did you take
13 new pictures?

14 A. I don't -- these look like the
15 pictures I used, yeah.

16 Q. And did you change the
17 description of the product, the Chorizo
18 Colombiano? Did that come out differently
19 in your version?

20 A. The label changed. I don't know
21 the changes that took place after this, but
22 the label did change, significantly in some
23 cases.

24 Q. Okay.

25 How did it change?

1 W. Zuluaga

2 prior page from the LatinFood website.

3 MR. INGBER: Is this the first
4 time this is being presented to us?

5 MR. RAYMOND: It's your client's
6 website, so...

7 MR. INGBER: That doesn't answer
8 the question.

9 (Plaintiff's Exhibit 23, Website
10 page, marked for identification, as of
11 this date.)

12 BY MR. RAYMOND:

13 Q. Mr. Zuluaga, as I stated, there
14 is a website on the internet that allows,
15 that goes around taking photos of websites
16 and then keeps them on thereafter. The
17 websites have disappeared or been changed
18 so you can go back and look at old
19 websites, and we did such a search and
20 found an older version of LatinFood website
21 from which we took this page.

22 My question to you is, is this
23 familiar to you? Do you recognize this as
24 a page from your former website?

25 A. Yes.

1 W. Zuluaga

2 Q. Okay.

3 Is it correct that this indicates
4 to consumers that LatinFood imports and
5 sells products from various companies out
6 of the United States?

7 A. I don't agree with that.

8 Q. Okay.

9 Well, tell me what this page was
10 supposed to communicate.

11 A. These are some of the products we
12 carry.

13 Q. Okay.

14 And the Juan Valdez Cafe, was
15 that a product that was imported into the
16 United States?

17 A. Not by me, no.

18 Q. Sorry, wasn't asking if you
19 imported it. I'm asking if you're aware --
20 if that is a product that's created outside
21 of the United States and imported here?

22 A. I believe it is imported here,
23 yes.

24 Q. And you list Nestle. What
25 products did you sell under the necessarily

1 W. Zuluaga

2 brand?

3 A. Snacks, if I remember correctly.

4 Q. And were those snacks again, that
5 were imported from again, outside of the
6 United States?

7 A. I don't remember when this
8 website -- this was an interim website.
9 This wasn't intended to be finalized, and I
10 don't remember when this was. So I don't
11 know what products I carried.

12 Q. Did LatinFood at any time sell
13 products Nestle, any Nestle products that
14 were imported into the United States?

15 A. Yes.

16 Q. And Fruco, what is Fruco?

17 A. Seasonings.

18 Q. Do you know where Fruco
19 seasonings are manufactured?

20 A. I don't know what they
21 manufacture, no.

22 Q. Okay.

23 But do you know whether they are
24 imported into the United States?

25 A. They are, yes.

1 W. Zuluaga

2 Q. Okay.

3 And you have Zenu here, and I
4 notice you're using my client's version of
5 that logo according to your description.

6 Was that to indicate that you
7 were selling my clients Zenu products
8 imported into the United States?

9 A. No.

10 Q. Was that meant to say you were
11 selling your own Zenu-branded products?

12 A. Yes. But again, this was not a
13 finalized version of the website.

14 Q. Okay.

15 But it was up on the internet,
16 was it not?

17 A. It wasn't supposed to have been.
18 I didn't approve it to go out.

19 Q. Okay.

20 But it did go out. We found it
21 on the internet, so...

22 A. Without my knowledge.

23 Q. Okay.

24 And in fact, all these products
25 that are listed at the bottom of this

1 W. Zuluaga

2 two-month phase-out period.

3 MR. KADOSH: Thanks for

4 testifying, Mark.

5 A. They started decreasing the shelf
6 space allowed for my products until it was
7 down to nothing.

8 Q. Yeah, but then they increased the
9 order.

10 A. On some products while it was
11 still on the shelf, but then they phased me
12 out totally.

13 Q. Now, do you claim damages in
14 relation to lost sales at any other
15 supermarkets?

16 A. Absolutely.

17 Q. Okay.

18 Which other supermarkets?

19 A. Off the top of my head, we got
20 Supremos, like we talked.

21 Q. I'm sorry?

22 A. Supremos and Twin Cities,
23 which --

24 Q. And are you saying that you lost
25 sales in both of those locations?

1 W. Zuluaga

2 A. Yes. I didn't realize my growth
3 potential in any of those locations due to
4 this incident.

5 Q. Do you have any evidence that
6 Mr. Yepes spoke to anyone at any
7 supermarket other than Food Fair?

8 A. I wasn't there, no.

9 Q. I'm asking you if you have any
10 evidence.

11 A. No.

12 Q. So on what basis do you claim
13 that whatever diminishment in sales you
14 allegedly had was based on conversations
15 with Mr. Yepes?

16 A. This is feedback that I started
17 getting from my customers that my product
18 was fake and they were concerned about it.

19 Q. And did they tell you how they
20 learned that the product was fake?

21 A. They told me there was some
22 people around telling them that the product
23 was fake and that I was going to be out of
24 business really soon.

25 Q. Did they identify who those

1 W. Zuluaga

2 people were?

3 A. No.

4 Q. Maybe it was your competitor who
5 tried ordering the Marquillas labels.

6 But let's look at the sales for
7 the Supremos Supermarket in Elizabeth, New
8 Jersey. That's the top line.

9 A. Uh-huh.

10 Q. So you don't have any sales there
11 until the week of June 14th, right, when
12 you have \$220 and then a small order for
13 \$30, \$155, \$295 the week of July 12th, the
14 week that this alleged interference took
15 place.

16 The week after, they also
17 continue ordering, \$124.

18 The week of July 26th, \$54.

19 The week of August 2nd, \$210.

20 So the second biggest order or
21 the third biggest order took place three
22 weeks after this alleged conversation?

23 And then if you go on, you know,
24 the orders continue. They even -- the
25 Supremos is even putting in orders as late

1 W. Zuluaga
2 as October, November and, in fact,
3 December. So they actually put in orders
4 the entire year.

5 So what is your basis to claim
6 that alleged conversations that you can't
7 even identify are the basis for this
8 Supremos location stopping to purchase from
9 you when they didn't?

10 A. There were additional locations
11 that was affected. My growth potential
12 wasn't realized due to this issue.

13 Q. So they continued to sell
14 products that somebody told them were
15 counterfeit and fake and exposed them to
16 legal liability at the Elizabeth location,
17 but they wouldn't add you to other
18 locations because that was just too much
19 risk to take on?

20 A. I don't know. I can't speak for
21 them.

22 Q. But you are claiming damages for
23 lost sales at Supremos?

24 A. That is correct, yes.

25 Q. All right. Why don't we look at

1 W. Zuluaga
2 Twin Cities, also in Elizabeth.

3 So there are many weeks that you
4 have no sales in Twin Cities in the
5 Elizabeth location. And then starting in
6 July, before the conversation you have an
7 order for \$894.

8 Then the week of the
9 conversation, an order for \$96.

10 Following week, zero dollars.

11 July 26th, \$339.

12 And if you just continue
13 throughout the year, they're putting in --
14 I'm looking at the page 4 of 5, they put in
15 3 to \$400 orders -- or \$200 orders almost
16 every week. And, in fact, they, too, put
17 in orders the entire year.

18 So what is your basis for
19 claiming that you're harmed in your
20 potential sales to Twin City?

21 A. Again, I didn't realize growth
22 potential. They didn't allow me to expand
23 my shelf space.

24 MR. KADOSH: Let's take a short
25 break. I think we might be near the

1 W. Zuluaga

2 end. So let's just take a short

3 break. Okay.

4 THE WITNESS: Okay.

5 THE VIDEOGRAPHER: Going off the

6 record. The time is 5:33 p.m.

7 (Recess taken from 5:33 p.m. to

8 5:45 p.m.)

9 THE VIDEOGRAPHER: The time is

10 5:46 p.m. We're back on the record.

11 BY MR. KADOSH:

12 Q. Mr. Zuluaga, you don't have any
13 evidence that these stores stopped ordering
14 from you, to the extent that they did,
15 because of alleged conversations made by
16 Cordialsa representatives, isn't that
17 right?

18 A. That's not right.

19 Q. Isn't it true that stores could
20 stop ordering for any number of reasons?

21 A. No, not in my case.

22 Q. Not in your case?

23 Isn't it true that around that
24 time Gloria Moreno was complaining about
25 the quality of some of your products?

1 W. Zuluaga

2 MR. INGBER: I'd like to have

3 this --

4 BY MR. INGBER:

5 Q. What did you do after?

6 A. A few days later, I wrote an
7 e-mail to USTM making them aware of the
8 call and the need for the specimens, and I
9 provided them with the specimens so they
10 could upload them directly.

11 MR. INGBER: Can I have this
12 marked Exhibit D.

13 (LatinFood Cross Exhibit D,
14 E-mail, marked for identification, as
15 of this date.)

16 BY MR. INGBER:

17 Q. Now, take a look at Exhibit D,
18 Cross Exhibit D. What is this?

19 A. This appears to be an e-mail from
20 USTM, I guess between them.

21 Q. The second --

22 A. The original e-mail was from me.

23 Q. Okay.

24 What date is it?

25 A. This is on May 14, 2014.

1 W. Zuluaga

2 Q. And who was it to?

3 A. I direct it to E. Melo at USTM.

4 That was my point of contact.

5 Q. And what is this e-mail about?

6 A. This is notifying them that I had
7 received a call the prior week and that I'm
8 enclosing the pictures. The person was
9 supposed to send me a link for me to upload
10 them, but the link never arrived on my
11 e-mail. I'm asking them to upload the
12 pictures.

13 Q. Are these -- were these
14 attachments true copies of the products you
15 were actually using at that time?

16 A. This is my product. This is not
17 my product. And this is not my product.

18 Q. These are not the products that
19 you -- were these documents attached to
20 this letter?

21 A. I don't know. These were
22 actually not attached, definitely, no, it
23 wasn't attached.

24 Q. Did you send them accurate
25 pictures?

1 W. Zuluaga

2 A. I did.

3 Q. Do you know if those accurate
4 specimens ended up being used?

5 MR. RAYMOND: Object to the form.

6 A. You mean at the --

7 Q. Do you know if the specimens that
8 you provided to USTM were ever uploaded to
9 the Trademark Office?

10 A. No. I learned later on they
11 uploaded their own specimens, not the ones
12 I provided.

13 Q. Do you know if these were the
14 specimens that were uploaded? I think you
15 said they were incorrect.

16 A. They were incorrect, yes.

17 Q. Could I get No. 10?

18 Now I believe you were asked
19 earlier about Exhibit 10.

20 A. Yes.

21 Q. Which was the U.S. trademark
22 application filed for your Zenu mark by
23 USTM, is that what you said?

24 A. Correct.

25 Q. Okay.

1 W. Zuluaga

2 Now, I believe you referenced on
3 page 2 there was an e-mail address.

4 A. Yes.

5 Q. Wilson.Zuluaga@mailovo.com.

6 A. Yes. That's not my e-mail
7 address.

8 Q. Do you know whose e-mail address
9 that is?

10 A. USTM created it to communicate
11 with the trademark without my knowledge.

12 Q. Did you ever receive any e-mail
13 communications from the Trademark Office?

14 A. Not by e-mail, no.

15 Q. If you could pull No. 12, please,
16 Exhibit No. 12.

17 A. Okay.

18 Q. Now, these are LatinFoods'
19 Responses to Plaintiff's First Set of
20 Interrogatories.

21 A. Correct.

22 Q. And I believe you testified
23 earlier that page 12 was your signature and
24 that --

25 A. Correct.

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, Joan Ferrara, a Notary Public
within and for the State of New York,
do hereby certify:

That WILSON ZULUAGA, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of the
testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 22nd day of
December, 2019.



Joan Ferrara